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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.			NGUYEN, HUNG THANH	
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AUSTIN, TX 78767-0398			PAPER NUMBER	
			2841	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/653,029

Applicant(s)

GARNETT ET AL. 

Examiner

HUNG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 33-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/13/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1-32 drawn to the computer system, classified in class 361, subclass 301+.
- II. Claim 33-40, drawn to aggregation switch, classified in class 709, subclass 209.

The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because switches control computer system. The subcombination has separate utility such as using aggregation switch to control the system.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with B. Noel Kevlin on 12/05/2005 a provisional election was made with out traverse to prosecute the invention of group I, claim 1-32. Affirmation of this election must be made by applicant in replying to this

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Office action. Claim 33-40 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doblar et al. (US 6,922,342) in view of Kaplan et al. (US 6,680,904) and Branscomb (US 6,930,890).

Regard claim 1, 32: Doblar et al. discloses in figures 10-11B, a computer system comprising: a plurality of shelves (800A-800E, 1010A-1010D), each shelf (800A), having a carrier (800A and 560) for removably receiving a plurality of information processing modules and a switching module and a interconnection member (560) for providing connections between the information processing modules and the switching module; wherein the shelves (800A-800B, 1010A-1010D) are logically connected into a plurality of stacks (900A, 800A-E, 900B, 1010A-D, 1040A-B), the switching modules (800A-800E) of the respective shelves (800A-800E, 1010A-1010D), in each stack (900A, 800A-E, 900B, 1010A-D, 1040A-B) being interconnected in a logical stacking configuration; Doblar does not disclose the computer system further comprising a shelf having a carrier for

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removably receiving a master switching module, wherein the master switching module is connected into each stack as a common master switch for all of the stacks.

Kaplan et al. discloses the computer system further comprising a shelf having a carrier for removably receiving a master switching module (see figure 1), wherein the master switching module is connected into each stack as a common master switch for all of the stacks.

Doblar and Kaplan et al. are analogous art because they are from the same field of endeavor to make computer system.

Therefore, it would have been obvious for one ordinary skill in the art to make computer system of Doblar et al. to have master switch as taught by Kaplan et al. for the benefit of controlling the module connected inside an switch.

Regard claim 2, 25, 28, 29, 31: Doblar et al. discloses in figures 10-11B, the computer system wherein the logical stacking configuration is a closed loop (see figure 2) stacking configuration.

Regard claim 3, 4: Doblar et al. discloses in figures all elements of the computer system as described above with respect to claim 1 except, Doblar does not disclose each switching module other than the master switching module is operable as a slave switching-module responsive to the masters witching module.

Kaplan et al. discloses each switching module other than the master switching module is operable as a slave switching-module responsive to the masters witching module.

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Doblar and Kaplan et al. are analogous art because they are from the same field of endeavor to make computer system.

Therefore, it would have been obvious to make computer system of Doblar et al. to have switching module to operate as a slave switching-module responsive to the masters switching module as taught by Kaplan et al. for the benefit of better operation between module of different shelf.

Regard claim 5: Doblar et al. discloses all elements of the computer system as described above with respect to claim 1 except, Doblar et al. does not disclose the master switching module provides a single ingress/egress point for data transfer to/from the computer system.

However it is old and well known for one ordinary skill in the art to provide a single ingress/egress to transfer data back and forth in the computer system.

Therefore, it would have been obvious for one ordinary skill in the art to use ingress/egress for the benefit of transfer signals.

Regard claim 6: Doblar et al. discloses in figures 10-11B, computer system wherein the information processing modules (1010A-D) of each shelf (explain in claim 1) are located at a first side (1010A-D on the right side) of the interconnections member (explain in claim 1) and the switching module (800A-E) is located at the second side (800A-E, located on the left side) of the interconnections member (explain in claim 1) and wherein a power supply module (900A-B) for providing power to the modules is removably received in the shelf (explain in claim 1) located at the second side (800A-E) of the interconnections member (explain in claim 1).

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Regard claim 7: Doblar et al. discloses all elements of the computer system as described above with respect to claim 1 except, Doblar does not disclose the shelf of the master switching module has no information processing modules.

Kaplan et al. discloses the shelf of the master switching module (see figure 2) has no information processing modules.

Doblar and Kaplan et al. are analogous art because they are from the same field of endeavor to make computer system.

Therefore, it would have been obvious for one ordinary skill in the art to make master switch of Doblar et al for not having information on processing module as taught by Kaplan et al. for the benefit of better signal controlling.

Regard claim 8: Doblar et al. discloses in figures 10-11B, the computer system wherein the master switching module (explain in claim 1) is located at a first side (explain in claim 6) of the interconnections member (explain in claim 1) and the power supply module (explain in claim 6) is located at a second side (explain in claim 6) of the interconnections member (explain in claim 1).

Regard claim 9, 10, 11: Doblar et al. discloses in figures 10-11B, the computer system wherein each shelf (explain in claim 1) has a service processing module (see column 8-12, lines 41 to end) removably received therein for providing shelf (explain in claim 1) level service functions to the modules of the shelf (explain in claim 1).

Regard claim 12: Doblar discloses all elements of the computer system as described above with respect to claim 1 except, Doblar does not disclose each shelf comprises two switching modules removably received therein.

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However, it is old and well known for one ordinary skill in the art to have 2 modules in one shelf for the benefit of having more space.

Regard claim 13, 14, 15, 18, 19: Doblar discloses in figures 10-11B, the computer system wherein both switching modules of each shelf (explain in claim 1) are connected into a common logical stacking arrangement (see figures).

Regard claim 16, 17: Doblar et al discloses in figures 10-11B, the computer system wherein each switching module of a given shelf is operable to replicate the functionality of the other switching module of that shelf (see figures 2).

Regard claim 20: Doblar et al discloses all elements of the computer system as described above with respect to claim 1 except, Doblar does not disclose the computer system wherein the switching module has a second master switching module shelf having the master.

Kaplan et al. discloses the computer system wherein the shelf having the master switching module has a second master switching module (see figure 2B).

Doblar and Kaplan et al. are analogous art because they are from the same field of endeavor to make computer system.

Therefore, it would have been obvious for one ordinary skill in the art to make computer system of Doblar et al to have second master switch as taught by Kaplan et al. for the benefit of providing protection in case of other master switch failure.

Regard claim 21, 22, 23, 24: Doblar et al. discloses all elements of the computer system as described above with respect to claim 1 except, Doblar et al. does not

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disclose the computer system wherein each master switching module is connected into a separate one of the local stacking arrangements.

Kaplan et al. discloses the computer system wherein each master switching module is connected into a separate one of the local stacking arrangements (see figure 2).

Therefore, it would have been obvious for one ordinary skill in the art to make computer system of Doblar et al. to connect into separate stack as taught by Kaplan et al. for the benefit of providing protection in case other switch failure.

Regard claim 26, 27, 30: Doblar et al. discloses all elements of the computer system as described above with respect to claim 1 except, Doblar et al. does not disclose the computer system wherein each switching module comprises at least one switch fabric chip and a controlling microprocessor, and wherein the functionality of each forwarding element is performed by a switch fabric chip and the functionality of the controlling element is performed by the same switch fabric chip and the controlling microprocessor in combination.

However, it is old and well known for one ordinary skill in the art to combine switch and processor in one module for the benefit of saving space and less cost.

Therefore, it would have been obvious for one ordinary skill in the art to combine switch and processor for the benefit of saving space and cost reduction.

Relevant Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Mahany et al. (US 6,970,434) teaches wire and wireless communication network, El-Fafie (US 6,968,394) teaches features of

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multicasting, master and slave facilities, Sample et al. (US 5,352,123) teaches the switching interconnection, Iny (US 6,711,028) teaches the switching device, Miller et al. (US 6,628,525) teaches telecommunication device with chassis, Kaetsu et al. (US 6,643,141) teaches the subrack with plurality modules.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG T. NGUYEN whose telephone number is 571-272-5983. The examiner can normally be reached on 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMMIE CUNEO can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

HN

HUNG THANH NGUYEN

DECEMBER 9, 2005


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